



STATE OF OKLAHOMA

NONDISCRIMINATION PLAN

2019-2021



In Compliance with the
Workforce Innovation and Opportunity Act (WIOA) 2014
Concerning Nondiscrimination and Equal Opportunity

August 31, 2019

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SECTION 1 – REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES (29 CFR 38.25 AND 38.54)

PURPOSE

The State ensures that nondiscrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements or other similar applications for federal financial assistance under WIOA. Each application for WIOA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

The Oklahoma Office of Workforce Development and its state partner agencies have developed this Nondiscrimination Plan detailing the actions that have been and will be taken to ensure compliance with WIOA Section 188 and 29 CFR Part 38. This document will be reviewed and updated every two years and substantive changes will be forwarded to the U.S. Department of Labor, Civil Rights Center.

NARRATIVE

Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title IB of WIOA the required EO assurance. (29 CFR 38.25 (a) (1))

The State requires and monitors each of the Local Workforce Development Boards (LWDBs) to include the required equal opportunity assurance in the submissions of their Local Workforce Development Plans with the following language: (*Element 1 Documentation Section – Attachment 1*)

A system that includes compliance with:

- Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship, status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973 as amended which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975 as amended which prohibits discrimination on the basis of age; and

- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

Each Local Plan is reviewed to ensure that all required assurances are included.

The required assurances are incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. (29 CFR 38.20)

The State provides funds to all approved grant applicants. Contracts provided for each recipient through the OOWD include nondiscrimination assurances required by the Federal regulations, the State (*Section 1 Documentation Section – Attachment 2*) and OOWD in each, assuring each entity complies with this requirement. The required assurances are also incorporated into cooperative agreements, contracts and MOUs, thereby Title I is made available. Additionally, compliance is ensured by continued monitoring where corrective action, if needed, is required.

Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (Subpart C of 29 CFR Part 32.28)

Every training provider that applies to be listed on the ETPL must sign a Training Provider Assurances (TPA) electronic form before receiving final approval to be added to the ETPL. The TPA electronic form indicates the training provider will comply with nondiscrimination and equal opportunity provisions of all federal and state applicable laws. As programs come up for continued eligibility, current training providers must sign this TPA form.

The EO Officers will utilize a monitoring tool to guide them in monitoring the contracts established by the recipients for activities, trainings and services.

Compliance results from reviews completed by the EO Officers shows that the recipients, sub-recipients, and service providers are meeting the programmatic and architectural accessibility guidelines. If accessibility guidelines are not met, the State requires that corrective action plans are developed and follow-up monitoring conducted to ensure any noncompliance findings are corrected within the identified timeframes. OOWD works in consultation with the Oklahoma Department of Rehabilitation Services (DRS) to ensure architectural accessibility for all individuals with disabilities.

Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (29 CFR 38.25)

The State ensures the EO Officers check job training plans, contracts, assurances, and other similar agreements entered into by the grantee and its recipients to ensure compliance with the requirement that these documents contain the required language regarding nondiscrimination and equal opportunity.

State and local level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (29 CFR 38.54)

The State requires equal opportunity policies for all recipients and sub-recipient programs receiving financial assistance through WIOA Title I. The policies developed are checked by the State EO Officer to ensure they are not discriminatory either in intent or effect.

Policies on WIOA Title I nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.

The State has made a concerted effort to ensure all needed nondiscrimination and/or equal opportunity policies are published as quickly as possible. The State reviews and rewrites all policies to ensure that our directives are in compliance with the federal regulations. EO Officers throughout the State have made a commitment to ensure that all recipients are in full compliance with all parts of WIOA Section 188 and the requirements of 29 CFR Part 38.

Section 1 – Documentation

ATTACHMENTS

1. Local Planning Template
2. Oklahoma Office of Workforce Development Terms and Conditions, and Assurances (Contracts)

SECTION 2 – DESIGNATION OF STATE AND LOCAL LEVEL EQUAL OPPORTUNITY OFFICERS (29 CFR PART 38.28 THROUGH 38.33)

PURPOSE

The purpose of this Nondiscrimination Plan (NDP) is to provide a reasonable guarantee of the State of Oklahoma's (State) compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. The NDP applies to: (1) any recipient; (2) programs and activities that are part of the WIOA One-Stop delivery system and that are operated by One-Stop partners (OSP) listed in this element, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or OSPs, as provided in 29 CFR 38.2. The NDP must be renewed every two years, and the state must advise the United States Department of Labor's (DOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Officer (hereafter State EO Officer) to ensure compliance with 29 CFR 38.55(b). Additionally, the State EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State EO Officer reports directly to the Governor and/or designee.

DESIGNATIONS

Each individual designated as a State-level EO Officer and each individual designated as a local level Equal Opportunity Officer, by name, position title, business address and telephone number. (29 CFR 32.28)

State-level WIOA EO Officer

Linda Emrich
Interim State EO Officer
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Phone: (405) 945-9197
FAX: (405) 945-8658
TTY: 711 or 800-722-0353
Email: linda.emrich@osuokc.edu

Workforce Administration

Oklahoma Office of Workforce Development
Erin Risley-Baird
Executive Director
Oklahoma Office of Workforce Development
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Phone: (405) 945-9139
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TTY: 711 or 800-722-0353
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**Oklahoma Employment Security Commission
Unemployment Insurance/Wagner-Peyser**
Emma Woodford
Civil Rights Administrator/ADA/EO/EAP
P.O. Box 52003
Oklahoma City, OK 73152-2003
Phone: (405) 557-7255
FAX: (405) 557-7174
Email: emma.woodford@oesc.state.ok.us

Local Workforce Development Areas (LWDA) Designated EO Officers

The State of Oklahoma has seven (7) Local Workforce Development Areas. Each LWDA has identified an EO Officer and their Director.

Central Workforce Development Area

LWDA Director

Eddie Foreman
Executive Director
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2031
TTY: 711 or 800-722-0353
Email: eddieforeman@cowib.org

EO Officer

Ashley Sellers
EO Officer/Chief Operations Officer
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026, x302
TTY: 711 or 800-722-0353
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Eastern Workforce Development Area

LWDA Director

Jerri Stoutermire
Director
Eastern Workforce Development Board
215 State Street, Suite 400
P.O. Box 2698
Muskogee, OK 74402
Phone: (918) 683-8553
TTY: 711 or 800-722-0353
Email: jstoutermire@easternwib.org

EO Officer

Robert Taylor
Programs Operations Manager
EEO Officer
Eastern Workforce Development Board
P.O. Box 2698
Muskogee, OK 74402
Phone: (918) 683-8553
TTY: 711 or 800-722-0353
Email: rtaylor@easternwib.org

Northeast Workforce Development Area

LWDA Director

Michelle Bish
Executive Director
Northeast Workforce Development Board
1503 Lynn Riggs Blvd., Suite D
Claremore, OK 74017
Phone: (918) 907-0902
TTY: 711 or 800-722-0353
Email: michelle.bish@northeastworkforceboard.com

EO Officer

Linda Wilson
Compliance Monitor/EEO Officer
Northeast Workforce Development Board
1503 Lynn Riggs Blvd., Suite D
Claremore, OK 74017
Phone: (405) 459-6113
TTY: 711 or 800-722-0353
Email: linda.wilson@northeastworkforceboard.com

South Central Workforce Development Area

LWDA Director

Trina Southard
Director
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
TTY: 711 or 800-722-0353
Email: trinas@scworkforceboard.org

EO Officer

Jana Farmer
Equal Opportunity Officer
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
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Southern Workforce Development Area

LWDA Director

Kerry Manning
Director
Southern Workforce Development Board
910 W. Evergreen
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kmanning@swb-ok.com

EO Officer

Karen Davidson
Equal Employment Opportunity Officer
Southern Workforce Development Board
910 W. Evergreen
P.O. Box 1577
Durant, OK 74702
Phone: (580) 745-5397
TTY: 711 or 800-722-0353
Email: kdavidson@swb-ok.com

Tulsa Workforce Development Area

LWDA Director

Cherie Stierwalt
Interim Executive Director
Workforce Tulsa Board
907 S. Detroit Avenue, Suite 1325

EO Officer

Kate Tillotson
EO Officer & Workforce Strategy Analyst
Workforce Tulsa Board
907 S. Detroit, Suite 1325

Tulsa, OK 74120
Phone: (918) 595-8824
TTY: 711 or 800-722-0353
Email: cstierwalt@workforcetulsa.com

Tulsa, OK 74120
Phone: (918) 859-22219
TTY: 711 or 800-722-0353
Email: ktillotson@workforcetulsa.com

Western Oklahoma Workforce Development Area

LWDA Director

Christi Porter
Director
Western Oklahoma Workforce
Development Board
1222 10th St., Suite 115
Woodward, OK 73801
TTY: 711 or 800-722-0353
Phone: (580) 256-8553
Email: ccastor@oeda.org

EO Officer

Vacant
One-Stop Operator/EO Officer
Western Oklahoma Workforce
Development Board
P.O. Box 777
Woodward, OK 73801
TTY: 711 or 800-722-0353
Phone: (580) 748-0768
Email:

The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer.

The Governor of Oklahoma has designated the Oklahoma Office of Workforce Development (OOWD) to administer implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) as they relate to workforce development activities. The Governor (or his designee) has designated (Add Current Name of State-level Officer), as the State EO Officer responsible for ensuring that all WIOA Title I, One-Stop Partners and Oklahoma Employment Security Commission (OESC) are operated in a nondiscriminatory manner. The State EO Officer is designated by the Executive Director of the Oklahoma Office of Workforce Development (OOWD), the Governor's designee, and has full accessibility to the Governor's Office for matters related to equal opportunity and nondiscrimination. The State EO Officer is responsible for ensuring the One-Stop Center programs that receive federal financial assistance are in compliance with the nondiscrimination and equal opportunity provisions in Section 188 of WIOA and 29 CFR Part 38. The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations.

In addition, the State EO Officer's body of knowledge includes the workforce system policies, computerized products used in tracking, performance reports, the monitoring of systems and processes, and the compliance practices and techniques.

The State EO Officer attends all EO related trainings allowed by the State's administrative budget to maintain these competencies in order to oversee and assist in the development and implementation of Oklahoma's Nondiscrimination Plan under 29 CFR 38.54. Trainings include,

but are not limited to, EEOC training, NASWA EO Committee training and the Civil Rights Center training.

Nondiscrimination Plan

The Oklahoma Office of Workforce Development develops and submits to the Civil Rights Center every two years Oklahoma's Nondiscrimination Plan. This document outlines the equal opportunity policies, procedures, and system established by our Governor to give a reasonable commitment that the State and its recipients will comply with the USDOL equal opportunity and nondiscrimination requirements. The State EO Officer is responsible for overseeing the development and implementation of Oklahoma's Nondiscrimination Plan.

The State Equal Opportunity is responsible for developing and publishing the procedures for processing discrimination complaints that will be used within his or her area of jurisdiction. The State EO Officer is responsible for the discrimination complaint procedures to be used at the State and local levels. The WIOA nondiscrimination regulations provide that "any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or 29 CFR Part 38, may file a written complaint, either by him/herself or through a representative." This language means that anyone may file a complaint if she/he believes that discrimination is taking place within the Oklahoma workforce system.

The duties of the State EO Officer, and the manner in which those duties are carried out. Describe both the State EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, and all other duties, responsibilities and activities.

The State EO Officer's designated duties corresponding to the implementation of 29 CFR Part 38 includes: (*Section 2 – Documentation, Attachment 1*)

- Coordinating the State EO responsibilities under 29 CFR Part 28;
- Functioning as the state's liaison with the Civil Rights Center;
- Monitoring the LWDAs, OSPs, (recipients and sub-recipients) and State Unemployment Insurance (UI) programs to ensure WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner. The EO Officer prepares monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance;
- Developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned LWDAs, OSPs, and UI;
- Conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigation);
- Writing correspondence and reports regarding findings of investigations;
- Providing appropriate resource and referral information for complainants and for members of the general public relative to discrimination and employment law;

- Reporting conflicts or apparent conflicts of interest to appropriate parties;
- Reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination;
- Reviewing data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach;
- Initiating and coordinating meetings to provide information to or resolve issues with contractors, programs or other groups both within and outside the department and/or the general public;
- Providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated LWDA, OSPs and UI;
- Interpreting federal and state laws, regulations, policies and procedures related to program services, as well as LWDA, OSPs, UI policies and procedures to ensure compliance with equal opportunity and civil rights;
- Overseeing and assisting the development and implementation of the recipient's Nondiscrimination Plan under 29 CFR 38.54;
- Preparing and presenting Equal Opportunity information and/or concerns to executive management, directors, managers, and supervisors;
- Reporting directly to the appropriate official about equal opportunity matters;
- Undergoing training to maintain competency; and
- Performing equal opportunity related work as required.

All equal opportunity matters within the seven (7) Local Workforce Development Areas (LWDA) are referred directly to the individual Local EO Officer. The Local EO Officers are responsible for:

- Serving as the recipient's liaison with the State EO Officer and CRC;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Reporting to the appropriate official about equal opportunity matters;
- Ensuring that the roles and duties of the Local EO Officers are given top priority to adequately accomplish all of his/her responsibilities under WIOA Section 188 and 29 CFR 38;
- Undergoing training to maintain competency;
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38;
- Reviewing written policies to ensure they are nondiscriminatory; and
- Coordinating all local-level, WIOA EO activities, thus ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA are implemented and enforced.

The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.

The notice/poster, “Equal Opportunity Is the Law”, is distributed by the State EO Officer to all LWDA electronically (English and Spanish) and includes LWDA EO Officer or UI EO Officer’s information before being printed and posted. (*Section 2 - Documentation, Attachments 2 and 3*) The “Equal Opportunity Is the Law” notice/poster is included with LWDA forms, such as participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees and applicants for employment and interested members of the public are made aware of the LWDA EO Officer’s information through the LWDA nondiscrimination posters, policies, and letters. The State, LWDA, UI and WP EO Officer’s name and contact information appear on any communications regarding nondiscrimination and equal opportunity programs. Policies are posted on the [Oklahoma Works website](#).

The level of staff and other resources available to State and local level EO Officer(s) to ensure that WIOA Title I financially assisted programs and activities operate in a nondiscriminatory way.

The Oklahoma Office of Workforce Development (OOWD) employs sufficient staff and adequate resources to ensure the State EO Officer is in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.28.

The State EO Officer meets and corresponds with the LWDA EO Officers, at a minimum, on an annual basis to discuss updates in regulations, monitoring strategies, data analysis and other EO matters, as needed.

The State EO Officer’s salary is funded by the WIOA fifteen percent allowable statewide set-aside funding.

Each LWDA has appointed an EO Officer that has staff and other available resources to ensure that programs and activities operate in a nondiscriminatory way.

An EO Officer may be assigned other duties, but he or she must be able to give top priority to, and to adequately accomplish all of his or her responsibilities or activities that create a conflict or the appearance of a conflict, with his or her duties as an EO Officer.

The State’s plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency.

The State EO Officer is a member and attends annually sponsored National Association of State Workforce Agencies (NASWA) Equal Opportunity trainings, as well as EO classes and training conferences offered through webinars from Workforce GPS, U.S. Department of Labor (USDOL)/CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC), ABLE Tech to maintain competency.

The State requires that LWDA staff receive annual EO training via Local EO Officers, the State EO Officer, or through the WIOA Technical Assistance Conferences or similar conferences and trainings.

OOWD makes training available to the State EO Officer in areas related to equal opportunity and nondiscrimination, such as the Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family and Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, Equal Employment Opportunity Principles and Practices, American Disability Act Management Responsibilities and the Health Insurance Portability Accountability Act. This training helps ensure the Local EO Officers understand the responsibilities required in the enforcement of equal opportunity and nondiscrimination laws under WIOA.

The State EO Officer communicates via telephone, email and in person with LWDA EO Officers and UI EO Officer regarding equal opportunity and nondiscrimination issues, policies, training opportunities and other relevant matters as they are presented for public knowledge by USDOL.

The identity, by name, title and organization, of the individual to whom each State and local level EO Officer reports on equal opportunity matters and reporting relationships.

(ADD CURRENT STATE EO OFFICER'S NAME HERE), State EO Officer, OOWD, has full accessibility to the Governor's Office on equal opportunity matters.

LWDA EO Officers are required to report directly to their highest-ranking officer in their organization (such as Local Workforce Board Directors) on all equal opportunity matters as well as to the State EO Officer. He or she must have access to that person without undue delay or obstructions, to ensure that the necessary flow of information between the EO Officer and the top official is not hindered.

A description of the professional and support staffing levels and resources provided to each State and local level EO Officer to assist him or her in ensuring compliance with WIOA Section 188 and 29 CFR Part 38.

The OOWD develops and disseminates policy guidelines for use in equal opportunity and nondiscrimination issues, directives, etc. The State EO Officer conducts annual compliance monitoring to examine the LWDA written materials such as case files, physical locations, policies, procedures, etc., for items relating to equal opportunity and nondiscrimination issues. If any discrimination issues arise, the monitoring may occur earlier when the severity of the issue necessitates. OOWD provides assistance with information technology services, administrative planning, budgeting, personnel and facilities, as needed.

The type and level of training each State and local level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.

The State EO Officer may attend training and seminars conducted by the Equal Employment & Opportunity Commission (EEOC), Equal Opportunity Conferences hosted by the National Association of State Workforce Agencies (NASWA), their EO Committee, and the U.S. Department of Labor, webinars provided by the Civil Rights Center, National Skills Coalition, Workforce GPS, and other organizations as well as Oklahoma-related training.

The State EO Officer provides annual trainings to LWDA EO Officers and (if necessary) OSPs to ensure that LWDAs, OSPs and other recipients understand and implement the requirements of the equal opportunity provisions of the WIOA, Section 188 and 29 CFR Part 38. The State EO Officer provides links to LWDA EO Officers on relevant webinars related to equal opportunity and nondiscrimination issues, policies and training opportunities.

The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of State EO Officer and each local level EO Officer. (29 CFR 38.29)

The primary dissemination of the State EO Officer's name and contact information is on the "Equal Opportunity Is the Law" notice/poster. The notice contains information including the State EO Officer by name, title, business address, e-mail address, and telephone number including the TDD/TTY number. Additionally, the State publishes a directory on the [Oklahoma Works website, www.OklahomaWorks.gov](http://www.OklahomaWorks.gov) to locate the State and LWDA EO Officers.

Section 2 – Documentation

ATTACHMENTS

1. State Equal Opportunity Officer Job Description (Add revised Job Description)
2. Equal Opportunity Is the Law Notice – State EO Officer (*English*) (Add new EO Officer Name)
3. Equal Opportunity Is the Law Notice – State EO Officer (*Spanish*) (Add new EO Officer Name)

SECTION 3 – NOTICE AND COMMUNICATION

PURPOSE

In Element Three, the State addresses how it, its WIOA OSPs, and their recipients comply with the requirements of 29 CFR 38.34 through 38.39. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIOA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

NARRATIVE

The methods and frequency of dissemination of the notice/poster, including initial dissemination. (29 CFR 38.34)

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), is distributed annually and sent electronically, or by other methods, to LWDA, WP, UI EO Officers/Area Managers including OSPs. This allows the partners to edit the documents to include information about the identification and contact information of the EO Officer for each LWDA. *(Refer to Element 1 – Documentation Section, Attachments – 2 & 3)*

As changes occur, a notice is sent out electronically to all WIOA recipients and includes the name of any new State and/or LWDA EO Officer(s). All WIOA EO complaints may be filed at the local level, the state level or directly with the U.S. Department of Labor/Civil Rights Center (USDOL/CRC).

The means by which the notice is made available to individuals with disabilities. (29 CFR 38.36)

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, the LWDA's and OSPs are instructed to read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments. Also used are qualified readers, recorded

texts, audio recordings, Braille materials, large print materials, and other effective means of making visually delivered materials available to individuals with hearing impairments.

The means by which the State ensures that recipients post the notice/poster. (29 CFR 38.37)

The State has notified each of the WIOA One-Stop system partners in writing as required by the law under WIOA Section 188 to clearly display the “Equal Opportunity Is the Law” notice/poster in all facilities throughout the State where OSPs, UI, and WIOA Title I funded activities are conducted, including One-Stop Centers.

The State EO Officer completes on-site monitoring of a sample of at least one Center in each Local Workforce Development Area on an annual basis to ensure that the recipients have the required posters in place. Local Workforce Development Boards complete a self-evaluation of compliance with the Nondiscrimination Plan yearly. The review includes review of the required postings. *(Section 3 Documentation – Attachment 1)*

The means by which a copy of the notice is placed in the participant’s file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.

The State requires a permanent paper file or electronic record be maintained on all participants. All LWDA in the State are required, at the time of orientation whether in a group setting or one on one, to include the document detailing the equal opportunity law and all other WIOA documentation in the participant’s permanent paper or electronic file.

State ensures that recruitment brochures and other materials routinely made available to the public include the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.” (29 CFR 38.34(a))

In accordance with 29 CFR 38.34, all recipient publications (State, LWDA and sub-recipients) must include the equal opportunity policy statement that indicates the recipient is “an equal opportunity employer/program”. Additionally, all recipient publications must include the appropriate tag lines “auxiliary aids and services available upon request to individuals with disabilities”. The State’s WIOA section, LWDA and OSPs include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient is in compliance with this requirement during compliance reviews using the State “Equal Opportunity Monitoring Review Guide”.

Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. *(29 CFR 38.15)*

During the desk and on-site compliance reviews, the State checks each of the LWDA/OSP sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments. The State requires that all recipients provide any materials that are intended for public notification to be reviewed by either the State or LWDA EO Officers prior to the release of the material.

This ensures compliance with 29 CFR 38.15 is met. The State also requires that LWDA's utilize an effective telecommunications system. The State has in place the 7-1-1 system that ensures communication is as available to individuals with disabilities as other participants.

The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. *(29 CFR 38.38)*

The State EO Officer ensures that communications, offices and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services available upon request to individuals with disabilities". All current available aides in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

The means by which program-related information is published or broadcast in the news media (e.g., youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. *(29 CFR 38.38)*

As required by law under WIOA, the State requires that all recipients of WIOA Title I financially assisted programs advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, the State EO Officer will check the LWDA/OSP for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the State checks each of the LWDA sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids

and services are available upon request to individuals with disabilities. The Local staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

The manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (29 CFR 38.40)

It is the policy of the State to provide services and information in a language other than English for customers with limited English proficiency (LEP) in order to effectively inform or enable those customers to participate in departmental programs or activities. (*Section 3 Documentation, Attachment 2 & 3*) When a LWDA/OSP determines a significant proportion of the population eligible to be served are more likely to be directly affected by a program/activity needs information in a single language other than English, the LWDA and OSP must translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State can provide interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located, the Language Line Solutions (1-866-874-3972) is used to serve the customer.

The policy of the State is to provide quality and timely language assistance services to customers with limited English proficiency (LEP) to ensure meaningful access to programs, services, and activities. The LWDA and OSP shall translate vital documents into languages other than English or include a tag line (Babel notice) in the vital document to notify the LEP customer of the importance of the document, and/or the availability of language assistance services. Babel notice is defined as a short notice included in a document or electronic medium (e.g. web site, application, “app” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)). Also, AJCs use “I Speak” cards and/or posters for language identification.

The manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38. (29 CFR 38.36)

LWDAs include a discussion of equal opportunity and nondiscrimination rights as part of orientations for registrants, applicants, eligible applicants/registrants, and employees. LWDAs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant’s permanent file. The State EO Officer checks the participant’s permanent paper files or electronic records for

these documents during the on-site monitoring. One-Stop applicants/registrants must register using the OKJobMatch (OKJM) system and is required to acknowledge “Equal Opportunity Is the Law” notice in order to complete registration and utilize the OKJM system.

The process the State uses to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. *(29 CFR 3.25(c), and 38.54)*

[Oklahoma uses the Policy and Data Center](#) on the www.oklahomaworks.gov website to communicate policy related to nondiscrimination and equal opportunity. Policy development is standardized across the WIOA system and Title I programs, often incorporating local input.

To ensure that information is accessible to more LWDA/OSP staff, the State incorporates technology-based training solutions, statewide technical assistance conferences, and a Question & Answer section on the [Oklahoma Works](#) and [Oklahoma Employment Security Commission](#) websites. Training opportunities are released via electronic communication to LWDA EO Officers and are posted on the “Events” section on the OOWD and the OESC websites.

Section 3 – Documentation

ATTACHMENTS

1. Local Workforce Development Boards Self-Evaluation of EO Compliance – Oklahoma Workforce Development Issuance (OWDI) #01-2019
2. OESC’s Limited English Proficiency Policy and Procedures
3. Oklahoma Workforce Development Issuance #17-2017 Limited English Language Proficiency (LEP)

SECTION 4 – DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 38.54)

PURPOSE

The State addresses how it and their recipients are complying and will continue to comply with the requirements of 29 CFR Part 38 related to data and information collection and maintenance. The State ensures a data and information collection and maintenance system, for all its recipients and federal financially assisted programs, are established and maintained. The system and format in which the records and data are kept is designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIOA.

NARRATIVE

The State's data and information collection is in compliance with the requirements of the Participant Individual Record Layout (PIRL) as published by DOL. All recipients are responsible for collecting and maintaining obtained client and potential client information. The State is responsible for reporting the information to DOL via the PIRL. OESC and OOWD utilize the same system to collect the necessary information on customers. All recipients are monitored annually by the State EO Officer and the UI EO Officer to ensure compliance with record keeping and contract requirements, to assess recipient equal opportunity performance, to identify instances or areas of discrimination, and to identify individuals or groups of individuals who may have been discriminated against on a basis prohibited by WIOA Section 188 and 29 CFR Part 38.

All recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. (29 CFR 38.41)

The LWDA's collect the information during the eligibility process and update as needed throughout the individual's participation in federal programs and activities. The LWDA's are responsible for maintaining records on applicants for employment as well as entering and maintaining data in the database system. The WIOA State EO Officer checks the data via a desk review of the records for a recipient prior to an on-site visit to compare the paper files against the database records for data validity. Records are maintained on each claimant in the OKJM system. The collected data is available in a data warehouse where data can be queried at any time.

Recipients record the race/ethnicity, sex, age, and disability status of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for employment. (29 CFR 38.41)

The LWDA's collect the demographic (race, ethnicity, sex, age and disability status) information of each applicant, registrant, eligible applicant/registrant, participant, employee, and applicant for

employment. LWDA and OSPs maintain electronic files for each applicant, employee, and applicant for employment, and electronic records are kept for each registrant and participant for WIOA, LWDA, OSP services. An individual is considered an applicant when he/she submits personal information (e.g., name, address, social security number, etc.).

Oklahoma successfully worked with its vendor, America's Job Link Alliance (AJLA), to collect LEP data consistent with 29 CFR 38.41(b)(2) which was required by January 3, 2019. The DOL-only PIRL element 803 defines "English Language Learner at Program Entry" as a person who has limited ability in speaking, reading, writing, or understanding the English language. This is a mandatory field that is currently collected on each individual that registers for Wagner-Peyser and Title I services in Oklahoma. DOL-only PIRL element 804, Basic Skills Deficient/Low Levels of Literacy at Program Entry, is also collected on each individual, it provides the information needed to determine who is unable to compute and solve problems, or read, write, or speak English at a level necessary to function on the job, in the participant's family, or in society. We currently collect preferred language and worked with our vendor to implement this as a mandatory collection field in order to be consistent with 29 CFR 38.41(b)(2).

AJLA is an alliance of workforce organizations across multiple states partnering to produce a cost effective system, and in order to maintain consistency with federal reporting requirements across programs and states, the specific LEP requirements need to be included in the PIRL to avoid incurring additional programming costs. In addition to collecting LEP data, OOWD has issued an LEP policy to further ensure LEP individuals have equal access to all programs.

Recipients treat records, particularly those containing medical information, in a manner that ensures their confidentiality. (29 CFR 32.15; and 29 CFR 38.41)

The State provides, as required in 29 CFR 38.41, for the confidentiality of information collected and maintained regarding the disabilities of individuals. This requirement applies regardless of the status of the individual whether he or she is an applicant, participant or candidate for employment, etc.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Knowledge of disability status or medical condition and access to information in related files. Persons in the following categories may be informed about an individual's disability or medical condition had have access to the information in related files under the following listed circumstances:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing the part, any other laws administered by the Department, or any other Federal laws.

Knowledge of disability status or medical condition only. Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Recipients maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIOA Section 188. (29 CFR 38.54)

Complaints alleging discrimination on one or more of the following basis: race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA 1B financially assisted program or activity are kept in a log as required by the Civil Rights Center. *(Section 4 Documentation – Attachment 1) Complaints* may be filed at the local level, the State level or with the CRC Director. The Local Equal Opportunity Coordinator notes each complaint filed in a discrimination complaint log and the log is forwarded to the State EO Officer for documentation. The complaint log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, date complaint was filed, disposition, date of disposition and any other pertinent information relating to the complaint. The Local EO Officers inform the State EO Officer about complaint investigations and submit complaint reports on at minimum, a quarterly basis. The State EO reports to CRC upon request.

Recipients maintain such records for a period of three years. (29 CFR 38.43(a))

Complaint forms, investigation notes, disposition letters, and other pertinent information on each complaint filed, as well as complaint logs, must be maintained by recipients or sub-recipients for a period of three years from the close of the applicable program year, unless a complaint has been filed and is not yet resolved in which it will be a period of three years from the closure of the open complaint, in accordance with 29 CFR 38.43.

The LWDAs monitor sub-recipient's equal opportunity compliance by identifying areas and individuals or groups of individuals that appear to be discriminated against to assure compliance with WIOA Section 188 and 29 CFR Part 38.

Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the basis prohibited by WIOA Section 188. (29 CFR 38.42)

The State, as well as each grant applicant and recipient, are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging

discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. In addition, the State policy requires recipients to notify the CRC Director under 29 CFR 38.42(a) and the State concurrently.

Section 4 – Documentation

ATTACHMENT

1. Equal Opportunity Complaint Log

SECTION 5 – AFFIRMATIVE OUTREACH (29 CFR 38.40)

PURPOSE

It is the intent of Section 5 to address how the State of Oklahoma (State) and its recipients are complying with the requirements of 29 CFR 38.40 relating to the provision of affirmative outreach to programs and activities.

NARRATIVE

The State has communicated the obligation of recipients (e.g., Local Workforce Development Areas (LWDAs), One-Stop Partners (OSPs), Unemployment Insurance (UI), Wagner-Peyser (WP) and all service providers) to conduct outreach efforts in order to broaden the composition of the pool of those considered for participation or employment in their programs and activities. The State will ensure that recruitment of potential participants is conducted in a nondiscriminatory manner and that the participant pool is a proportionate reflection of the local area as well as individuals with disabilities.

The State uses a monitoring tool to ensure that all EO Officers are kept cognizant of their Affirmative Outreach obligations by inquiring into their process of broadening the participation in their programs.

Recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

The LWDAs and their required One-Stop Partners include Title I, OOWD, OESC, and the Oklahoma Department of Rehabilitation Services (DRS) provides services to individuals with disabilities that breakdown barriers to employment or independent living. OOWD and the LWDAs have adopted *Oklahoma Works Access for All*. The *Oklahoma Works Access for All* Initiative was developed as a system-wide effort and includes two parts to the Access for All Certification in Oklahoma. One considers accessibility in the physical space and the other considers accessibility in technology. Both focus on the environments that job seekers interact with when participating in services provided by the Oklahoma Works Workforce System Partners. In the end, Oklahoma Works Workforce System Partners and LWDAs work through an Oklahoma Works Access for All Accessibility Process to achieve certification and work toward continuous improvement. As a core partner in the One-Stop system, DRS has worked with the One-Stop operators and other WIOA partner programs to increase employment opportunities for persons with disabilities. All comprehensive One-Stop Centers must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR Part 38, the implementing regulations of WIOA Section 188. (*Section 5 Documentation – Attachment 1*)

For WP, LWDA's and OSPs, technology is a key component in ensuring affirmative outreach by employing a number of strategies to include the following:

- Increased referral services;
- Provision of equal opportunities for workforce training services for both rural and urban areas, as well as for persons with disabilities or other barriers to communication;
- Access to services for persons of all levels of computer literacy; and
- Assistance in using the self-service component of the One-Stop Center.

All recipients and sub-recipients work to enhance the employability and increase the earning potential of individuals with multiple barriers to employment. Strategies to address individual needs include: assessments of skills and abilities, basic skills programs, occupational skill training, job analyses, job accommodations, disability awareness training, and other activities that address barriers and support achievement of positive employment outcome. Individuals with multiple barriers to employment are offered a continuum of education, job training, career counseling and job development to enhance attainment and retention of employment. To enhance the employability skill of individuals with disabilities, Local Workforce Development Boards, One-Stop Centers and providers assure:

- Priorities of services for participants beyond the self-service phase are implemented;
- Representation of individuals with disabilities on staff, where feasible;
- Cross-training of staff;
- Disability awareness training for staff;
- Outreach programs for individuals with disabilities;
- Technical assistance to employers including information regarding ADA requirements.

The One-Stop system provides the broadest possible menu for all job seekers. Eligible individuals include:

- Special needs participants;
- Individuals with disabilities;
- Persons with Limited English speaking ability;
- Persons training for nontraditional employment;
- Displaced homemakers;
- Public assistance recipients;
- Veterans;
- Persons with multiple barriers to employment;
- Elderly participants;
- Women;
- Minorities;
- Lesbian, Gay, Bisexual, Transgender & Queer, Plus (LGBTQ+) communities

Recipients and their service providers strive to provide access to services to clients of both sexes, LGBTQ+, the various race, ethnic and age groups, individuals with disabilities as well as individuals with Limited English Proficiency (LEP), which includes:

- Publicity materials (brochures, letters) designed to provide an overview of employment services to the general public;
- Participation in local and statewide job related events; and
- Coordination and involvement with various agencies, committees, task forces, and projects that focus on employment-related functions, and Wagner-Peyser special programs for targeted groups (e.g., Veterans, Youth, Dislocated Workers, etc.).

One-Stop Centers (OSC) have taken the following actions to ensure affirmative outreach:

- Signs have been posted to inform customers of telephone numbers to call or to see the manager if an accommodation is needed to receive services;
- Individuals and organizations have been identified and are available if assistance is needed to provide services or information in a language other than English, and written procedures are available to staff to assist LEP individuals;
- Employees who have skills in languages other than English have identified themselves and offered their services in assisting any customers by providing instruction, conveying information, or assisting with completing forms;
- Contacts have been developed and maintained with community-based organizations and advocacy groups to ensure the center meets the specific needs of each constituency;
- Coordination linkages with other federal, state and local agencies serving the various segments of the populations have been developed;
- Participation in community employment events such as job fairs, seminars, and public recruitment for employers has publicized the services of One-Stop Centers;
- On-site visits with employers and community agencies, participation in job fairs, special recruitment efforts, employer seminars, and public relations campaigns have encouraged employer use Oklahoma's workforce system; and
- Oklahoma Works, a proud partner of the American Job Center Network, is the statewide workforce development network that helps employers of all sizes and types recruit, develop and retain the best employees for their needs.

The State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

The State takes reasonable steps to ensure that policies and procedures do not deny equal access to individuals with Limited English Proficiency (LEP) and. The State implements, evaluates and documents programs, activities, and services to customers with LEP.

The EO Officers are responsible for monitoring recipient programs and ensuring compliance with the affirmative outreach element of nondiscrimination and equal opportunity provisions of Section 188 of WIOA. The State continually stresses to recipients the importance of their obligation to expand the diversity of the participant pool and staffing selections.

The State annually monitors the recipients to measure the effectiveness of their efforts to serve and employ a diverse population, including members of genders, various racial, ethnic and age groups, and individuals with disabilities.

In the selection of center locations, consideration is given to accessibility to members of the general population for all programs, services, and benefits.

Current State practices designed to broaden the composition of those considered for participation and employment at the One-Stop Centers include the following:

- Identification of staff with bilingual skills;
- Information exchange and collaboration with community organizations regarding translators, interpreters and resources for LEP;
- Publication of selected materials in languages other than English ([*Spanish Rapid Response Handbook*](#)); and
- Use of interpreters, telephone interpreters and contract interpreters as needed to provide language assistance to customers on a case-by-case basis.

Section 5 – Documentation

ATTACHMENTS

1. Oklahoma Works Access for All Certification Process

SECTION 6 – GOVERNOR’S OVERSIGHT RESPONSIBILITY REGARDING RECIPIENTS’ RECORDKEEPING (38.53)

The Oklahoma Office of Workforce Development (OOWD) ensures that recipients collect and maintain records in a manner consistent with the provisions of 29§38.41 and any procedures prescribed in Section 188 of WIOA and 29§38.41(a). OOWD has provided more guidance for this section under Oklahoma’s Nondiscrimination Plan, Section IV Data and Information Collection and Maintenance (38.41 through 38.45). All WIOA recipients should refer to this section for guidance.

The OOWD has ultimate responsibility for administration of the workforce development components of the WIOA Nondiscrimination and Equal Opportunity program in the state and, on behalf of the Governor, ensures that Local Workforce Boards (LWDBs) and all sub-recipients, comply with all Federal regulations. Serving in an associated role, the Oklahoma Employment Security Commission (OESC) administers the state unemployment insurance program.

SECTION 7 – COMPLAINT PROCESSING PROCEDURES (29 CFR 38.54)

PURPOSE

The State and its recipients are complying with the requirements of 29 CFR 38.69 through 29 CFR 38.79 regarding complaint processing procedures. The State has revised and published procedures for processing complaints alleging discrimination by any program or activities funded under the WIOA Title I. These procedures provide the complainant with the option to file with the LWDA or the Oklahoma Employment Security Commission (OESC) UI EO Officer, the State EO Officer at the Oklahoma Office of Workforce Development (OOWD), or directly with the CRC Director, U.S. Department of Labor (DOL). LWDA and OSPs are required to include complaint and grievance procedures as part of their Local Plans and those procedures must comply with the requirements of 29 CFR 38.76 through 29 CFF 38.79.

NARRATIVE

Recipients that are required to do so (29 CFR 38.74) have developed and published complaint procedures.

The State has issued a WIOA Nondiscrimination and EO policy (*Section 7 Documentation – Attachment 1*), which sets forth the complaint procedures for all LWDA/OSPs and sub-recipients, and it includes the State’s Equal Opportunity Nondiscrimination Complaint Form (*Section 7 Documentation – Attachment 2*). All recipients must comply with these procedures, which meet the requirements of 29 CFR 38.70-38.78. Complaints may be filed at the federal level, the state level or at the local level. The local EO Officers document each complaint filed on a EO Discrimination Complaint Log (*refer to Section 4 Documentation – Attachment 2*), which is forwarded to the State EO Officer for review. The Discrimination Complaint Log contains the name and address of the complainant, the basis of the complaint, a description of the complaint, the date the complaint was filed, the disposition, the date of the disposition, and any other pertinent information relating to the complaint. LWDA EO Officers and One-Stop partners inform the State EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis. Upon request from the CRC, the State EO Officer will provide the Discrimination Complaint Log.

Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed. (29 CFR 38.76)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “The EO Officer will provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed,” in accordance with 29 CFR § 38.79.

Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process. (29 CFR 38.72(b)(1))

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, The EO Officer will provide a written acknowledgment of receipt of the complaint to the complainant with notice that the complainant has the right to be represented in the complaint process, in accordance with 29 CFR 38.72.

A written statement provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection. (29 CFR 38.82)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “Upon receipt of a complaint or information alleging discrimination, the EO Officer will provide written notice to all parties of the specific issues raised in the complaint; and provide a statement for each issue, either accepting the issue for investigation or rejecting the issue, and the reasons for each rejection”, as required by 29 CFR 38.82.

A period for fact-finding or investigation of the circumstances underlying the complaint. (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, upon receipt of a complaint or information alleging discrimination, the EO Officer will initiate an investigation or fact-finding of the circumstances underlying the complaint. This meets the requirements of 29 CFR 38.72.

A period during which the recipient attempts to resolve the complaint and the methods available to resolve the complaint must include Alternative Dispute Resolution (ADR). (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, the EO Officer will contact the complainant in writing after receipt of the complaint to determine the complainant’s willingness to mediate using the Alternative Dispute Resolution (ADR) procedures.

A written Notice of Final Action, provided to the complainant with 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint, either a statement of the recipient’s decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90 day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint

with the CRC within 30 days after the date on which the complainant receives the Notice.” This language mirrors the requirements of 29 CFR 38.72.

Notice that the complainant has a right to file a complaint with the CRC Director, DOL, within 30 days of the date on which the Notice of Final Action issued, if he or she is dissatisfied with the recipient’s final action on the complaint. (29 CFR 38.72)

The Oklahoma WIOA Equal Opportunity and Nondiscrimination Complaint Policy states, “The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.”

Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.

The Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy states, “If, during the 90-day period, the EO Officer issues its Notice of Final action, but the complainant is dissatisfied with the decision on the complaint, the complainant or his/her representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the Notice of Final Action.”

Recipients follow the established procedures.

Consistent with 29 CFR 38.69 through 29 CFR 38.72, the State will maintain compliance according to the Oklahoma WIOA Equal Opportunity and Discrimination Complaint Policy, which provides for prompt and equitable resolution of complaints and includes the following elements:

- Initial Written Notice;
- An Acknowledgement of Receipt;
- Notice of Right to Representation;
- Issues raised in complaint;
- A period for Fact-Finding that includes ADR; and
- A Written Notice of Final Action.

Each recipient is required to comply with the Equal Opportunity and Discrimination Complaint Policy process for resolving complaints in connection with WIOA Title I programs operated by recipients. Utilizing this complaint procedure, each WIOA Title I recipient shall provide for local level processing of complaints. Recipients will be monitored to ensure they are complying with this requirement.

Section 7 – Documentation

ATTACHMENTS

1. Nondiscrimination and Equal Opportunity Policy – OWDI #13-2017, Change ~~1~~ 2
2. Nondiscrimination Complaint Form

SECTION 8 – GOVERNOR’S OVERSIGHT AND MONITORING RESPONSIBILITIES FOR STATE PROGRAMS (29 CFR 38.51 and 53)

PURPOSE

The State of Oklahoma addresses how WIOA EO Officer(s) monitors the recipients. The State has established procedures to monitor all aspects of the recipient’s compliance with the WIOA Section 188 and 29 CFR Part 38. All EO Officers monitoring reviews include a review of compliance and responsibilities that have been assigned through the State’s Nondiscrimination Plan (NDP). A review of each recipient’s programs and activities to determine whether discrimination is occurring is also included in the monitoring.

NARRATIVE

The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by the State EO Officer which includes a desk and field review to determine a recipient’s compliance with the provisions of WIOA Section 188. These reviews check for compliance with the administrative obligations including assurances in contracts and agreements, notices, brochures and communication responsibilities under the State’s NDP, as well as its programs and activities.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

1. Analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45 to determine whether any differences based upon race, ethnicity, sex, age and disability have practical or statistical significance; and
2. Where significant differences are found, follow-up investigations are done.
3. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient’s compliance with Section 188 of WIOA.

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner, the State’s monitoring regimen includes a desk analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis, conducted by the EO Officers should determine if any differences based upon race, ethnicity, sex, age, or disability exist and whether such differences have a practical or statistical significance.

Complying with the administrative obligations of 29 CFR 38 includes but is not limited to:

Assurances. (29 CFR 38.25 through 38.27)

Assurances are required to be provided by each LWDA in their Local Plan. *(Refer to: Section 1 – Attachment 1)*

Equal Opportunity Officers. (29 CFR 38.28 through 29 CFR 38.32)

EO Officers are listed in Section 2: Designation of State and local level Equal Opportunity Officers.

Notice and communication. (29 CFR 38.34 through 29 CFR 38.39)

“Equal Opportunity Is the Law” notices are listed in Section 3: Notice and Communication.

Affirmative Outreach. (29 CFR 38.40)

Affirmative Outreach is addressed in Section 5 to ensure that recipients are required to provide equal access to their programs and activities to include various groups that are protected by these regulations.

The State utilizes the “Equal Opportunity Monitoring Review Guide” when facilitating on-site monitoring reviews for recipients’ programs and activities.

Data and information collection and maintenance. (29 CFR 38.41)

Data and information collection and maintenance are kept in a system that allows the Governor and CRC to conduct analysis as described in Section 4: Data and Information Collection and Maintenance.

Complaint processing procedures. (29 CFR 38.72)

The State provides a nondiscrimination and equal opportunity complaint process and offers Alternate Dispute Resolution (ADR) throughout the complaint processing procedure as listed in Section 7. All sub-recipients must comply with these procedures which meet the requirements of 29 CFR 38.70 through 29 CFR 38.80.

Conducting Equal Opportunity monitoring and evaluation, review of applicants for and recipients of WIOA Title I financial assistance (including assurance of programmatic and architectural accessibility).

The State, through a monitoring process, determines if the EO Officer or designee has reviewed applicants for and recipients of WIOA Title I financial assistance from or through the LWDA, including sub-recipient agencies. Monitoring includes the review of:

1. Receipt of the right to file grievance information for applicants and recipients;
2. Records of local discrimination complaint reports and resolution;

3. Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations;
4. Appropriate signage and equal opportunity information presented in languages other than English;
5. Review participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation.
6. The Local Plan for nondiscrimination and equal opportunity provisions of the WIOA Section 188;
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of the WIOA;
8. Programmatic and physical accessibility for disabled individuals to appropriately receive WIOA services;
9. Staff and participant interviews; and
10. Review of the recipient's policy and procedures to ensure they are not discriminatory.
11. Review the procedures for obtaining prompt corrective action when applying sanction when noncompliance is found.
12. Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the sanctions.

The State provides an annual monitoring report identifying all discrepancies found and the actions required to address each specific discrepancy. Each EO Officer bears the responsibility for monitoring these same elements, not only in their internal service delivery system but also for any and all sub-recipients who provide WIOA Title I funded services or activities.

Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.

The State EO Officer issues a report summarizing all non-compliance issues found during annual monitoring. These issues are then put into a Corrective Action Plan with timelines that each local area is responsible for implementing. When implementation of a Corrective Action Plan is incomplete by the specified deadline, the state will issue appropriate sanctions based on the severity of the noncompliance issues identified in the Corrective Action Plans.

The process outlined above also applies when there is more frequent monitoring. However, the report summarizing issues of noncompliance may be communicated informally, e.g. email.

Sanctions are considered when the recipient fails to adequately implement the Corrective Action Plan by the deadlines specified in the plan. Sanctions may revoke approval of all or part of the recipient's WIOA Title I financial assistance.

Ensuring policy development, communication, and training are implemented.

State policies and procedures are available on the [Oklahoma Works website](#). Additionally, policy broadcasts or informational broadcasts are sent via email to all LWDA's and workforce staff to

communicate changes to policy or provide immediate information that may affect Title I programs or activities. The WIOA Policies and Procedures and broadcasts direct recipients of Title I funds to develop local equal opportunity and nondiscrimination policies and procedures that include requirements to ensure sub-recipient agencies meet the same obligation. Recipients' policies are located in each local plan and are updated as needed.

The State ensures the federal programs and activities are operating in a nondiscriminatory manner and provide equal opportunity, including but not limited to:

- Conducting analyses by race, ethnicity, sex, age and disability of program and employment activity including but not limited to rates of application, placement, and termination, to determine if significant differences exist; and
- Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual and eligible registrants, applicants, employees and applicants for employment, interviews and other appropriate techniques.

The statewide internet-based workforce data reporting system, OKJobMatch allows for necessary reports to identify issues regarding equal opportunity and nondiscrimination.

These reports will continue calculations based on standard deviation for each of the applicant groups with respect to services such as job referrals, referred to training, entered employment, placements, and wages.

The UI program housed at OESC, a required core partner, collects information when initial unemployment claims are filed. Records are maintained on each claimant in a secure system. Data is stored in secure UI databases. Stored data is used to conduct analyses to determine whether any discriminatory issues exist. If any discriminatory issues exist, the State EO Officer will work with the OESC EO Officer to address them pursuant to policy.

The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 38.5 through 38.10.

The EO Officer conducts a desk audit prior to on-site reviews to analyze program materials and the Local Plan to ensure no discrimination is occurring in local program policies, sub-contracts and procedures. Plans must have the following assurances:

1. The LWDA will provide a system that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA and the Current State of Oklahoma Nondiscrimination (NDP);
2. The LWDA will describe how each access site identified in the NDP will ensure compliance with Equal Opportunity and Americans with Disabilities; and

3. The LWDA will provide contact information and identification of the Local, State and Federal EO Officers available in all facilities used to conduct WIOA Title I funded trainings, programs and activities.

Recipients are required to publish their Equal Opportunity and Nondiscrimination Complaint policy statement and procedure on their website.

The State EO Officer conducts interviews, as needed, as a part of the monitoring process.

The written reports prepared for each review must provide, among other things that the results of the monitoring review will be made available to the recipient(s) reviewed.

At the conclusion of the review, the State EO Officer conducts an exit interview with pertinent recipient staff and the LWDA director or designee. This conference is a brief discussion of issues or discrepancies identified during the course of the monitoring review.

An EO Monitoring Review Report is written by the State EO Officer. The EO Monitoring Review Report is then reviewed and submitted to the OOWD Executive Director for approval before being distributed to the Local EO Officer and Program Director. Copies of the EO Monitoring Review Report are provided to the Local EO Officer by the State EO Officer. The report identifies areas in which the LWDA is out of or could be out of compliance (discrepancies) and other areas of concern. The EO Monitoring Review Report may also make recommendations for corrective actions needed to correct deficiencies.

The Local EO Officer will maintain communication with the State EO Officer until all equal opportunity related discrepancies have been corrected.

The involvement of the State and local level EO Officer(s) in conducting reviews. Where EO monitoring is carried out by individuals other than the State or local level EO Officer, the narrative should provide the names, titles, and organizations of those persons.

The State, LWDA, UI, and OSP EO Officers are the primary reviewers; the name of the State EO Officer and a list of LWDA EO Officers are contained in Section 2 of this NDP. The State EO Officer reviews certain equal opportunity items as a part of the annual reviews. Any issues identified during the annual EO monitoring reviews involving equal opportunity and nondiscrimination are discussed with the State EO Officer to ensure compliance with applicable regulations. The State EO Officer conducts the review to ensure that past identified issues were appropriately addressed and resolved.

The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

The State reviews each recipient annually through desk reviews and on-site reviews, unless needed more frequently to track and identify compliance issues. A review schedule is developed

at the beginning of each program year identifying when each LWDA and OSP is scheduled for a desk and on-site review. Each recipient is provided with a copy of the review schedule along with a copy of the desk review guides that will be utilized during the review. LWDA Directors are sent a letter by the State EO Officer notifying them of the review 30 days prior to the review date. In addition to these scheduled monitoring reviews, the State reserves the right to conduct monitoring with increased frequency throughout the program year.

Recipients follow the established procedures:

A service provider or small recipient will work in conjunction with the EO Officer regarding complaints of discrimination.

SECTION 9 – CORRECTIVE ACTIONS / SANCTIONS (29 CFR 38.54(c)(2)(vii))

PURPOSE

The State of Oklahoma (State) addresses how it and its recipients are complying with the requirements of 29 CFR 38.54(c)(2)(vii) in developing procedures for obtaining prompt corrective action when instances of noncompliance with the WIOA Section 188 or 29 CFR Part 38 are found or, as necessary, applying sanctions.

NARRATIVE

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA Section 188 and/or 29 CFR Part 38 by a recipient or sub-recipient.

The standards for corrective and remedial actions are to be applied when violations of WIOA Section 188 or 29 CFR Part 38 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

The State has established procedures for corrective and remedial actions to be applied when there is a violation of WIOA section 188 and/or 29 CFR Part 38 by a Local Workforce Development Area or sub-recipient. Findings of noncompliance may result from investigation of a complaint, formal or informal, or a recipient compliance review.

Corrective and remedial action will be sought when any deficiency is identified as a result of any monitoring review or any employment opportunity complaint. Deficiencies can be technical violations, which are deficiencies that do not involve discrimination, require written assurance from the State, Unemployment Insurance (UI), Local Workforce Development Areas and One-Stop Partners (LWDA/OSP). Technical violations may include, but are not limited to: failure to post the required “Equal Opportunity is The Law” notice/poster, failure to include assurances in service plans, failure to include a signed “Equal Opportunity is The Law” notice/poster in a WIOA participant’s file, as well as failure to include a signed statement confirming participant knowledge of Complaint Procedures and Grievance Procedures in their program file or in an electronic file.

Discrimination violations involve any complaint where discrimination is alleged. Discrimination violations may include, but are not limited to: discrepancies of disparate treatment, disparate impact, and failure to provide reasonable accommodation. These discrepancies may require an Alternative Dispute Resolution (ADR) agreement, conciliation agreement or assurance statement. Provisions will include making whole relief to include where appropriate, retroactive

relief (e.g. back pay, front pay, retroactive benefits, training, any service discriminatorily denied) or prospective relief, (e.g. change of policy, training, development of new policy, training on policy communication).

Corrective actions and sanctions are intended to guarantee equal access to programs, activities, and employment opportunities provided by WIOA financially assisted recipient organizations. Corrective actions must be appropriate for the violation identified and serve to end the discrimination or redress specific violations(s).

Local EO Officers are instructed to notify the State EO Officer if they are contacted directly by USDOL CRC regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL CRC.

Where a compliance review or complaint investigation results in a finding of noncompliance, the State EO Officer must notify the:

- (a) Grant applicant or recipient;
- (b) Grant making agency; and
- (c) Governor's Office.

Sanctions may include: written warnings for non-compliance, recommendation for termination of funding (partial, offset, and/or temporary suspension), and legal action under applicable laws. Recipients acknowledge notice that corrective actions and sanctions may be imposed to move recipients into compliance with the requirements of the WIOA and the Nondiscrimination Plan.

Standards for Corrective and Remedial Actions

The State reserves accountability for implementation of the Nondiscrimination Plan to the Governor, including complaint processing and resultant corrective or remedial action. The Governor also reserves the right to sanction grantees for failure to comply with the terms and conditions of grant contracts. The State EO Officer will monitor corrective action determined against a respondent in a Notice of Final Action for a specific complaint.

These actions must be designed to completely correct each violation. For each corrective action, a timeframe should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur.

For each corrective action identified, the recipient must submit their corrective action plans within 30 days of receipt of the Monitoring Review Guide Report or equivalent notification. Corrections to the discrepancies should be made within 30 days of the Equal Opportunity Monitoring Review Report or equivalent notification of noncompliance and designed to completely correct the violation and bring the recipient into compliance.

Recipients are required to complete all corrective actions in the monitoring report and the recipient must submit a written assurance that the discrepancies have been corrected and will not recur. The assurance will list the deficiency and corrective action as specified in the written notification, describe the corrective actions taken and the dates of those actions, state that the recipient or sub-recipient is taking and will continue to take steps to assure that the deficiency does not recur, and certify that the assurance is signed by the highest level official of the recipient or sub-recipient. If the discrepancies involve discrimination, a conciliation agreement is required.

Remedial actions are designed to make whole an individual or individuals who have suffered injury or loss because of unlawful discrimination. A person or persons wronged by discriminatory acts or policies must be restored to the status they would have expected had the discrimination not occurred. In a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including, but not limited to, back pay) and prospective relief (including, but not limited to, to training, policy development and communication) to ensure the discrimination does not recur.

The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.

When a corrective or remedial action plan is established, the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied and the violation will not recur. Any instances of noncompliance will be examined as a follow-up with an on-site visit or as part of the next scheduled monitoring review of the recipient.

Reports required from the violating recipient regarding actions to correct the violation(s).

The violating recipient will develop and submit a corrective action plan in writing to the EO Officer within 30 days of receiving the EO Monitoring Review Report or equivalent documentation. The corrective action plan will identify the violating recipient's plan and require that follow-up reports be prepared and forwarded to the EO Officer on a periodic basis for all completed actions. The EO Officer will conduct a follow-up to ensure that all the discrepancies and issues of noncompliance have been resolved and will close out the monitoring reviews.

Sanction procedures to be followed where voluntary compliance cannot be achieved.

Prior to implementing a sanction, a corrective action plan will be developed and submitted to the EO Officer. The corrective action plan includes deadlines to address all issues of noncompliance identified during monitoring. Once the deadlines included in the corrective action plan have passed, the EO Officer follows-up with the appropriate monitoring and issues a final determination.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination must contain the following information:

- A statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful;
- A statement of those matters upon which the recipient and the EO Officer continue to disagree;
- A list of any modifications to the findings of fact or conclusions that were set forth in the initial determination;
- A statement of the recipient's liability and, if appropriate, the extent of that liability;
- A description of the corrective or remedial actions that the recipient must take to come into compliance; and
- A notice that if the recipient fails to come into compliance within ten days of the date on which it receives the final determination, one or more of the following consequences may result:
 - WIOA funds may be withheld in whole or in part;
 - Applications for set-aside funds may be denied when the recipient is determined to be noncompliant with EO requirements;
 - The Oklahoma Office of Workforce Development may refer the case to the Oklahoma State Attorney General or the U.S. Department of Justice with a request to file suit against the recipient; or
 - The Oklahoma Office of Workforce Development may take any other action against the recipient allowable by law.

A recipient has the right to appeal a final determination to the Director of the Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, Northwest, Room N-4123, Washington, D.C. 20210. The appeal must be in writing and made within 30 days after the complainant receives the final determination or 90 days from the date of the filed complaint. Such an appeal, however, will not forestall the initiation of sanctions unless the Director of the CRC extends the deadline.

SECTION 10 – COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38 (29 CFR 38.54)

PURPOSE

The State of Oklahoma addresses how the State and its recipients comply with the disability related requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 38.7, 38.8, and 38.9 and Subparts B and C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 29 CFR 38.7.

NARRATIVE

The State is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

Meet their obligation not to discriminate on the basis of disability. (29 CFR 32.12(a), 32.26, and 38.6)

When applicable, the recipients must have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication, and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate on the basis of disability and to provide reasonable accommodations.

In addition, when the State enters into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language.

This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensures that the LWDAs and OSPs, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. OOWD will oversee site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

The State of Oklahoma's Four-Year Unified Plan 2016-2020 supports the needs of persons with disabilities in preparing for, obtaining and maintaining employment within the Workforce System.

The State requires the LWDA, WP and UI complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities version 2.1. (*See Element Five Documentation Section – Attachment 2*) The EO Officers are trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the local EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

Provide reasonable accommodation for individuals with disabilities. (29 CFR 32 and 29 CFR 38.14)

The Oklahoma Works Access for All Committee, of which the State EO Officer is a member, is the responsible party for providing oversight in the area of "reasonable accommodations." A guidance policy was issued which provides options for programs to modify, as necessary. Included are procedures for making a request for accommodations, evaluating the request, procedures for denial of a request, along with other areas pertaining to the accommodation requested. (*Refer to Element 4 – Attachment 1*)

Provide reasonable modification of policies, practices, and procedures as required. (29 CFR 38.14)

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

Provide architectural accessibility for individuals with disabilities.

The State EO Officer oversees annual site visits to ensure a facility remains in compliance, unless compliance issues require more frequent visits. The [ADA Checklist for Readily Achievable Barrier Removal](#), is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services. Additionally, we recommend that all LWDA's conduct an annual facility self-assessment using the ADA Checklist for Readily Achievable Barrier Removal and inform the State EO officer of any potential deficiencies.

Provide programmatic accessibility for persons with disabilities.

The State and Local plans provide for communication and program accessibility for individuals with disabilities.

Entities within the One Stop delivery system, including system/center operators and partners, will comply with Section 188 of WIOA, if applicable, and applicable provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The LWDA's are committed to complying with the requirements of WIOA Section 188 and the ADA to maximize access to services for people with disabilities. Entities within the one-stop delivery system (including one-stop operators and one-stop partners) are required to comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols and practices for programmatic accessibility of facilities, programs and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility. The One-Stop Operator ADA coordinator and staff will assure that job seekers with disabilities have programmatic access to all services.

The Roadmap for Physical and Technology Accessibility Standards Certification Process is utilized to address physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities. *(Section 10 Documentation – Attachment 2)*

In partnership with DRS, Physical Site Accessibility Reviews for workforce centers are conducted and any deficiencies are addressed. DRS also assists with a Technology Accessibility Assessment for compliance of technology used in workforce centers.

The State is committed to working with our partners to expand access to employment and training, education, and supportive services. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic and facility 95 accessibility, such as utilizing the Oklahoma Department of Rehabilitation Services expertise and services, Oklahoma ABLE Tech's Assistive Technology, and the "Access for All" webinar series.

The Oklahoma Works Access for All certification process, with their OSPs, ensures that communication and program accessibility provided is as effective for disabled individuals as it is for those who are not disabled. The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this "equally effective" requirement. These aids include, but are not limited to TTY/TDD services for those individuals that rely on these services.

Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.

State job postings for hiring at OOWD are reviewed by the State EO Office and Human Resources staff at the time of each job posting to ensure the requirements do not allow for discrimination. Employers utilizing OKJM to enter jobs, the WP staff ensures job listings satisfy nondiscrimination requirements. They review the documentation and job description to make sure there are no

discriminatory requirements. LWDB job descriptions are sampled during annual monitoring to review to ensure the qualifications do not discriminate on the basis of disability.

Limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.41)

Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.41)

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA.

Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made).

Administer their WIOA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.

The OOWD, along with DRS partner, is working closely with all LWDAs to ensure individuals with disabilities participate in the most integrated setting appropriate to each individual. DRS has supplied the One-Stop Centers with equipment to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

Are able to communicate with persons with disabilities as effectively as with others. (29 CFR 38.9)

DRS is working with all the One-Stop Centers in Oklahoma to ensure effective communication with persons with disabilities by assessing an individual's needs. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with persons with disabilities as effectively as with others. In addition, One-Stop Centers have procedures in place to access bilingual staff or services, and to access sign language services.

SECTION 10 – Documentation

ATTACHMENTS

1. A Roadmap for Physical and Technology Accessibility Standards Certification
2. ADA Checklist for Existing Facilities